

# Exhibit A

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9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 PAUL DRISCOLL,

13 Plaintiff,

14 v.

15 ANAYA LAW GROUP,

16 Defendant.

Case No. 8:18-cv-02309-AG-KES

**AFFIDAVIT OF NATHAN CHARLES  
VOLHEIM**

17 **AFFIDAVIT OF NATHAN VOLHEIM**

18  
19 I, NATHAN VOLHEIM, being first duly sworn upon oath, depose and say that I submit  
20 this Affidavit in support of Plaintiff's Response to Defendant's Motion for Summary Judgment. I  
21 have personal knowledge and thereby testify to the below facts. The facts set forth in the affidavit  
22 are known to me to be true based upon my personal knowledge of such facts. If called upon to  
23 testify as a witness, I would so testify to these facts:

24 1. I am an attorney licensed to practice law in the State of Illinois as well as numerous  
25 federal district courts throughout the country.

26  
27 2. I am employed by Sulaiman Law Group, Ltd. ("Sulaiman") and am counsel of  
28 record for Paul Driscoll ("Plaintiff"), admitted *pro hac vice*, in the above captioned civil matter.

1           3.       Despite Plaintiffs diligence in seeking discovery in this matter, Plaintiff nevertheless  
2 needs additional time to take the deposition of Defendant's corporate representative in order to  
3 respond to Defendant's pending Motion for Summary Judgment.

4           4.       On January 31, 2019, the Court entered the Scheduling Order in this matter, setting  
5 a discovery cut-off date of November 18, 2019. [Dkt. 16].

6           5.       Thereafter, Plaintiff issued his first set of written discovery to Defendant on  
7 February 15, 2019.

8           6.       Defendant tendered answers to Plaintiff's first set of written discovery requests on  
9 April 30, 2019.

10          7.       Plaintiff's intention was to, upon reviewing Defendant's discovery responses, issue  
11 a notice of deposition seeking the deposition of Defendant's 30(b)(6) representative in order to go  
12 about gathering the information necessary.

13          8.       However, after reviewing Defendant's discovery production and realizing its  
14 deficiencies, on June 25, 2019, Plaintiff sent Defendant a written meet and confer letter pursuant to  
15 Fed. R. Civ. P. 37.

16          9.       On July 2, 2019, Defendant responded to Plaintiff's written correspondence,  
17 requesting until July 20, 2019 to supplement its discovery responses. Defendant stated that its  
18 principal, Ms. Anaya, was unavailable until July 10, 2019, nearly two weeks after receiving the  
19 request to meet and confer, and thus needed additional time to respond.

20          10.      Prior to supplementing its discovery responses, on July 12, 2019, Defendant filed  
21 its pending Motion for Summary Judgment.

22          11.      On July 17, 2019, Defendant served Plaintiff with its supplemental responses.

23          12.      This same day, Plaintiff issued a notice of deposition seeking the deposition  
24 testimony necessary to gather facts essential to justify Plaintiff's opposition to Defendant's Motion.  
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1           13.     Given Plaintiff's desire to have adequate discovery responses prior to taking any  
2 deposition of Defendant and Defendant's failure to submit adequate discovery responses initially,  
3 the timing of Defendant's Motion for Summary Judgment comes at a point in the litigation where  
4 Plaintiff has not yet been able to engage in the discovery necessary to support his opposition to  
5 Defendant's Motion for Summary Judgment.  
6

7           14.     As Defendant's Motion for Summary Judgment points out, its purported entitlement  
8 to summary judgment is premised upon Plaintiff's failure to adduce or set forth evidence that would  
9 be gathered through the deposition of Defendant's corporate representative. [Dkt. 17, PageID #54-  
10 55].  
11

12           15.     Specifically, the deposition of Defendant's corporate representative will shed light  
13 on the truth of the facts set forth in the affidavits and declarations attached to Defendant's Motion  
14 for Summary Judgment, and further shed light on: the extent of attorney involvement in the sending  
15 of the collection letter, whether Defendant has reached the considered determination that an account  
16 is proper for legal action prior to sending out a collection letter, the extent of Ms. Anaya's purported  
17 involvement in the sending of Defendant's collection letters, how many collection letters Defendant  
18 sends out on a daily basis, and whether and to what extent any individuals besides attorneys were  
19 involved in the creation and sending of the collection letter at issue.  
20

21           16.     Further discovery on these points would preclude summary judgment in  
22 Defendant's favor. Given that Defendant's Motion is premised entirely on Plaintiff's purported  
23 failure to obtain evidence that contradicts its own, the evidence sought to be gathered through the  
24 deposition testimony would be the precise evidence Defendant's Motion accuses Plaintiff of  
25 lacking, and would therefore go towards defeating Defendant's Motion on the summary judgment  
26 stage.  
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17. Therefore, Plaintiff asks that the Court permit Plaintiff to take the deposition of Defendant's corporate representative in order to ascertain the facts necessary to justify his opposition to Defendant's Motion for Summary Judgment.

**FURTHER AFFIANT SAYETH NOT:**

s/ Nathan C. Volheim